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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,580	10/30/2003	Yoichiro Sako		8336

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EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,580

Applicant(s)

SAKO ET AL.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-14, 44-46, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1) A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/13/2005 has been entered.

2) This application is a Divisional Application of S/N 09/601,738, filed 8/07/2000 and now is US 6,801,490, which is a 371 of PCT/JP99/06846, filed on 12/07/1999.

3) The amendment filed 6/13/2005 is acknowledged. Claims 1-9,15-43,47-59 have been canceled. New claims 60 and 61 are currently been added.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claim 10-14,44-46,60 and 61 rejected under 35 U.S.C. 102(b) as being anticipated by OZAKI et al (5,696,757).

OZAKI et al discloses a recording apparatus on optical disk as claimed in claim 10, comprising:

a light source for outputting a recording laser beam (figures 6,14,21 and 26, laser 68);

a light modulator for modulating the recording laser beam outputted from the light source based on supplied first data (figures 6,14,21 and 26, laser 68, optical modulator 54);

a light deflector for deflecting based on supplied second data the modulated recording laser beam outputting from the light modulator and producing a variable offset from a track center in a radial direction of the disc-shaped optical recording medium (figures 6,14,21 and 26, optical deflector 66, laser 68 irregular pits in Fig. 6);

an objective lens for converging the modulated recording laser beam that is outputted from the light deflector with variable offset from a track center in a radial direction onto the disc-shaped optical recording medium (figures 6,14 and 21, objective lens 70);

a controller for controlling the light deflector so that a plurality of pits are formed on track center at a predetermined interval (Fig.14, 26 CPU 58 controls the optical deflector driver 64 to drive optical deflector 66 for forming pits on the track).

Claims 11-14 are rejected with the same reasons set forth in previously Office action.

Method claim 14 is drawn to the method of using the corresponding apparatus claimed in claim 10. Therefore, method claim(s) are rejected for the same reasons of anticipation as used above.

Claims 45 and 46 are rejected with the same reasons set forth in previously Office action.

As to claims 60 and 61, frames include a plural pits are standard in optical disk and shown in OZAKI et al's column 2, lines 1-67 (every CD has frame contains a plural pits).

7) Applicant's arguments with respect to claims 10-14,44-46,60 and 61 have been considered but are moot in view of the new ground(s) of rejection. The new features add to independent claims 10 and 44 are found in the prior art of OZAKI et al's figure 14, CPU 58, optical deflector driver 64 and optical deflector 66. the claims are still rejectable as shown above.

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See form PTO-892 attached herein).

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection

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made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
September 22, 2005